



ANIMAL LAWS AND REGULATIONS IN MASSACHUSETTS

ACO CORE COMPETENCIES
updated 2022

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HISTORY OF ANIMAL CONTROL IN MASSACHUSETTS

2

1797: Dog Licensing Established in Massachusetts

420 ACTS, 1797.—CHAPTER 53.


1797.—Chapter 53.
[January Session, ch. 21.]
AN ACT TO LESSEN THE DANGEROUS EVILS OF CANINE MADNESS AND OTHER INJURIES OCCASIONED BY DOGS.

Preamble.
Whereas many and distressing evils have taken place in various parts of this Commonwealth from Canine Madness, and other injuries occasioned by Dogs:

SECT. 1ST. *Be it enacted by the Senate and House of Representatives, in General Court Assembled, and by the Authority of the same, That it shall be the duty of every Person in this Commonwealth who is, or may be the owner or keeper of a Dog, or the Parent, Guardian, Master or Mistress of any Minor or Servant, who is or may be the owner or keeper of a dog, on or before the first day of April next, and afterwards, on or before the first day of May, in each following year, to certify to the assessors of the Town, district, or Plantation, where he, or she may live, the number of dogs by him or her owned or kept, or owned or kept by his or her ward or Servant. And to cause Dogs, so kept, from and after the said first day of April, to wear a Collar of some kind, with the name of the owner and town or place of residence, at large, legible on the same collar.*

Owners of dogs to inform Assessors.

To provide collars.



Meanwhile in Mass.

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1797: The Dangerous Evils of Canine Madness

- This was 25 years before Louis Pasteur was born
 - Pasteur's work helped establish the link between germs and disease
 - Pasteur was working with rabies vaccinations in 1885
- This was 62 years before the original animal cruelty law was passed (1859)
- This was 114 years before the animal inspector position existed (1911), focusing on disease control
- Public safety was recognized as an issue, even though no one really understood the cause



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1934: "Modern Day" Dog Laws

ACTS, 1934. — CHAP. 320.

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AN ACT RELATIVE TO THE LICENSING AND KEEPING OF DOGS *Chap. 320*
AND TO THE PAYMENT OF DAMAGES CAUSED BY DOGS.

Be it enacted, etc., as follows:

SECTION 1. Chapter one hundred and forty of the General Laws is hereby amended by inserting after section one hundred and thirty-six, as appearing in the Tercentenary Edition, the following new section under the title "dogs":—
Section 136A. The following words and phrases as used in sections one hundred and thirty-seven to one hundred and seventy-five, inclusive, unless the context otherwise requires, shall have the following meanings:

"Director", the director of the division of accounts of the department of corporations and taxation.

"Dog fund", the fees, fines and reimbursements collected in connection with the licensing of dogs and the enforcement of said sections.

"Dog officer", any officer appointed under said sections to enforce the laws relating to dogs.

G. L. (Ter. Ed.), 140, new section 136A, added.
Certain terms defined.



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1934 Version of Dog Laws

Chapter 140 – sections 136A-175 – many are the same as today

"Dog Officers"

Kennel Licenses

Dog Licenses - \$2 Male/\$5 Female (unless spayed)

Strays must be detained in a suitable location and kept in sanitary conditions

County Commissioner oversight

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1967 Amendments

Chap. 627. AN ACT PROVIDING FOR THE NONCRIMINAL DISPOSITION OF COMPLAINTS FOR THE VIOLATION OF CITY AND TOWN DOG CONTROL LAWS.

Be it enacted, etc., as follows:

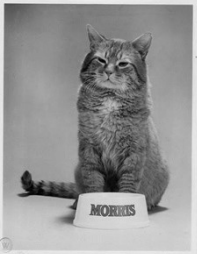
Chapter 140 of the General Laws is hereby amended by inserting after section 173 the following section:—

Section 173A. Whenever a complaint is sought in a district court for a violation of an ordinance or by-law, made under the provisions of section one hundred and seventy-three, the clerk shall send a written notice to the person complained against stating that such a complaint has been sought and will issue unless such person appears before such clerk and confesses the offense either personally or through an agent duly authorized in writing, or by mailing to such clerk, with the notice the fine provided herein. If it is the first offense subject to this section committed by such person within a calendar year, the clerk shall dismiss the charge without the payment of any fine; if it is the second offense so committed in such city or town in the calendar year the payment to the clerk of a fine of two dollars shall operate as a final disposition of the case; if it is the third offense so committed in such city or town in a calendar year payment of a fine of five dollars shall operate as a final disposition of the case; and if it is the fourth or subsequent offense so committed in such city or town in the calendar year the payment of a fine of ten dollars shall operate as a final disposition of the case. Such payment shall be made only by postal note, money order or check.



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Subsequent Notable Amendments



- Increased fines
- Required Vaccines for Cats (1993)
- Chapter 193 of the Acts of 2012
- PAWS Act of 2014
- M.G.L. Chapter 140, Section 174F
- PAWS II Act of 2018

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Chapter 193 of the Acts of 2012



Replaced references to County government with MDAR	Eliminated County Dog Fund	Increased fees and fines	Changed Dog Officer to Animal Control Officer
Requires ACOs to inspect kennels prior to licensing or renewals	Added ferrets to the vaccination law	Euthanasia only by barbiturates (AVMA guidelines)	Dropped the 10-day hold to 7 days
Rewrote the Dangerous Dog Law	Added the Tethering Law	Extended Protection Orders for people to their pets	Established the Mass Animal Fund

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PAWS

(PAWS) Acts of 2014

- Increased penalties for animal cruelty
- Required Veterinarians to report suspected animal cruelty
- Created Task Force to consider future protections for animals and ways to strengthen MA cruelty laws.



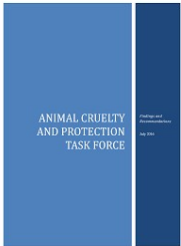
Honoring Puppy Doe, a female pit bull who was euthanized in August 31, 2013 because of the extensive injuries she suffered from her abuser.

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PAWS II

(PAWS II) Acts of 2018 was signed by the Governor on Aug 9th, 2018

- Increased fines and enforcement options for many animal control laws
- Requires property owners to check for abandoned animals
- Prohibits the drowning of animals
- Provides options for animal fighting victims
- Adds ACOs to the list of mandatory reporters for elder abuse, child abuse, and abuse of disabled.
- Updates animal sexual abuse laws.



PAWS II
Acts of 2018
contains many of
the
recommendations
from the Cruelty
Task Force Report.



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Acts of 2022

- Beagle Law: requires research animals to have an adoption option if placeable.
- Nero's Law: allows transportation and care of injured K9 officers (police dogs) by first responders



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Massachusetts General Laws (MGL) Chapter 140, Sections 136A-174F



- Registration and Licensing
- Violations of Statutes and By-Laws/Ordinances
- Rabies Vaccination and Public Health
- Animal Control Officer Duties & Training
- Nuisance/Dangerous Dogs; Dog Control
- Research Institutions Using Dogs or Cats
- Motor Vehicle Confinement in Heat or Cold

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Dog Licenses – Section 137

- All dogs 6 months or older
- Requires proof of current rabies vaccine
- License tag must be worn



Individual dog licensing is a function of the Town or City Clerk, but it is an incredibly important tool for the ACO.
Why?

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Licensing Requirements

- Tag must be inscribed:
 - dog's license number
 - name of the city or town
 - year of issue
- The licensing list should be easily searchable, maintained by the licensing authority and should contain:



- License number & status
- Rabies vaccination expiration
- Description of animal
- Owner/keeper address & contact info

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Rabies Vaccinations

Required for all dogs, cats, and ferrets under MGL Chapter 140 section 145B

Penalty not more than \$100 fine

Medical exemption

- Signed by a Massachusetts veterinarian
- Immune mediated disease
 - Stimulation of the immune system causes a severe reaction
- Anaphylaxis
 - Allergic reaction, which can cause death within minutes



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Medical Exemption

- A medical exemption for a rabies vaccination can be utilized for licensing purposes.
- However, exemptions should not be taken lightly since an animal exposed to rabies with a medical exemption will be considered **unvaccinated** for quarantine purposes once any previous rabies vaccine has expired.



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License Fees

Chapter 140 Sec. 139

License fees are determined by municipalities, with the following considerations

- Fees for dogs spayed/neutered **SHALL BE LESS** than for intact dogs.
- NO FEE** shall be charged for a service dog defined by the ADA.
- A municipality **MAY** waive the fee for a dog owned by senior 70 years old or older.

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Acquiring New Dog & Moving – Sec. 138 + 146

- A newly acquired dog is 6 months of age or older, an owner has 30 days to see the Clerk for a license (same for people moving)
- If the dog is under 6 months, an owner has until the time the dog reaches 6 months of age
- Foster dogs must be licensed individually by the foster care giver (keeper), if the foster parent has the dog(s) for 30 days or more

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Group Discussion

Responsible pet owners don't let their dogs go outside naked...

Give YOUR DOG SOME BLING WITH A 2021 DOG LICENSE TAG

Why should you license your dog?

- 1. It gets them home.** A license tag from your town on your dog's collar is often the quickest ticket back to you if your dog gets lost.
- 2. It shows love.** A license tag shows that you not only love your pet, but that you are looking out for the other animals in your community, since proof of a rabies vaccination is required.
- 3. It's easy.** Just ask your town clerk or animal control officer how to get one.
- 4. It's the law.** Massachusetts wants to ensure the health and safety of our animals, so it is a law that all dogs 6 months and older are licensed.

What are some ways you can increase licensing compliance in your municipality?

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Kennel Licenses Chapter 140 Sec. 137A

Personal kennel license needed

- 5 or more dogs on the property
- Breeder (hobby or individual)
- Foster home



*Dogs under 3 months of age don't count

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Kennel Licenses Chapter 140 Sec. 137A

Commercial kennel license needed

- Boarding or training, including daycare
- Breeders – commercial
- Charitable corporations (shelters / rescues)- **No licensing fee**
- Veterinarians holding animals beyond medical necessity



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Kennel Inspections – Section 137C

Inspections MUST be conducted before initial licensing, and UPON renewal

ACOs are responsible for kennel inspections for licensing and renewal.

- Kennel inspection report should be given to licensing authority.

Kennel inspections (for non-licensing purposes) should be performed by the ACO, but if there is a conflict of interest or ACO is unavailable the following municipal employees may inspect:

- selectman
- mayor
- police chief
- police commissioner (Boston)

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Kennel Inspections

The standard set in the statute is
"maintained in a sanitary and humane manner"

- Sanitary Condition(s). The state of Facilities, Primary Housing Enclosures, and associated equipment having been Cleaned and Disinfected as often as necessary to be free of, at a minimum, urine, feces, and noxious odors.

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Kennel inspections

- *municipalities can add further clarification into bylaws
- Looking for adequate shelter, fresh food and clean water
- Waste is managed appropriately; no buildup of feces or urine
- Adequate ventilation with no excessive odors
- Adequate temperature between 55°- 85°F
- Cages, enclosures or other housing is in good repair
 - No sharp edges
 - Functional latches



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Kennel Inspection Report

Town Clerks should refer to the kennel inspection's number of dogs allowed on license.

Kennel capacity is determined by the inspecting ACO.

THE COMMONWEALTH OF MASSACHUSETTS
ANIMAL CONTROL OFFICER KENNEL INSPECTION REPORT

City or Town of: _____ Page 1 of 1
 Kennel Name: _____
 Inspection Date: _____

I. Kennel Information:
 Kennel name: _____
 Kennel owner: _____
 Kennel address: _____
 Kennel phone: _____
 Kennel veterinarian and address: _____

II. Licensing Status:
 Kennel license status: ☐ New ☐ Renewed ☐ Expired ☐ Withdrawn ☐
 Kennel type: ☐ Commercial ☐ Doggie Daycare ☐ Pet Board ☐ Other _____
 If kennel license has not been renewed, why not? _____

III. Housing:
 Dog housing: ☐ crates ☐ kennel ☐ Free Range ☐ Other _____

IV. Conditions:
 A. Dogs are housed in a humane manner: Yes ☐ No ☐
 B. Dogs are able to stand, lie down and turn around freely: Yes ☐ No ☐
 C. Kennel is kept at an ambient temperature: Yes ☐ No ☐
 D. Kennel is ventilated (no excessive odors): Yes ☐ No ☐
 E. The kennel has adequate lighting: Yes ☐ No ☐
 F. Dogs have access to clean, fresh food and water: Yes ☐ No ☐
 G. Dogs have adequate exercise space: Yes ☐ No ☐
 H. Vaccination and other records available: Yes ☐ No ☐
 Please explain any "No" answers on page 2.

V. Comments:
 Approved: ☐ Not approved: ☐ Suspended on or after: _____
 ACO name: _____ Report created by: _____
 ACO Signature: _____ Signature of licensee: _____
 White Copy - Office / Yellow Copy - ACO / Pink Copy - Kennel Owner

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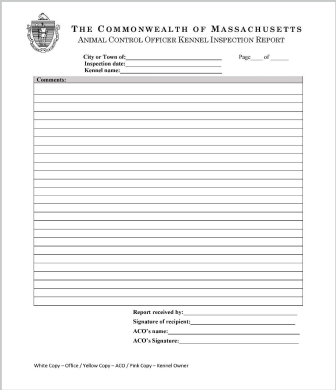
Kennel Capacity

- All kennel licenses issued should contain a number for the maximum number of dogs allowed
 - This number should never be written in a way that doesn't set a limit. For example: do not include "more than 50"
 - ACOs should set the kennel capacity while considering space, staff, animal welfare and emergency plans

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Kennel Inspection Report

- Page 2 is new. It gives an area to write in any problems/concerns discovered
- <http://massanimalfund.com/animal-control-laws/>



THE COMMONWEALTH OF MASSACHUSETTS
ANIMAL CONTROL OFFICER KENNEL INSPECTION REPORT

City or Town of: _____ Page ____ of ____
Inspector Name: _____
Kennel name: _____

Comments:

Report received by: _____
Signature of recipient: _____
ACOF's name: _____
ACOF's Signature: _____

White Copy - Office / Yellow Copy - ACO / Pink Copy - Kennel Owner

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Kennel License Fines

- In the Acts of 2018 fines were added in section 137C
 - \$500 for a first offense
 - Not more than \$1,000 for a second or subsequent offense

*(Approved by Governor on August 9th, 2018)

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Violations - section 141

Violations may be issued under state laws

- Section has a specific penalty built in
- Penalty section applies to a group of previous sections

Violations may be issued under by-laws or ordinances

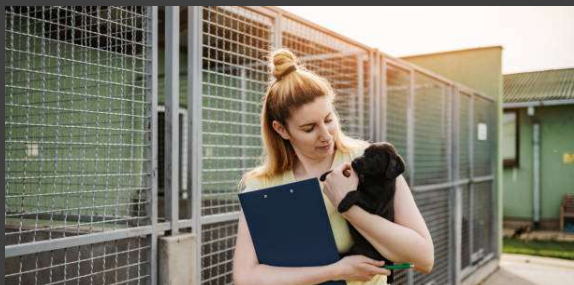
- Penalties may be set by the municipality
- Penalties may exceed the penalties set in statute, but may not be less than those prescribed

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ACO Duties and Responsibilities

- Sections 151 and 151A
 - Catch and confine dogs not collared or tagged
 - Must be held for a minimum of 7 days to give the owner an opportunity to claim the dog
 - Length of hold may be longer depending on by-law or ordinance
 - Confined in a place suitable for the detention and care of dogs, and in sanitary condition
 - Fill out an intake form
 - ACO must actively seek out the owner

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ACO Holding Facilities

- ACO must hold animals in a safe and sanitary location:
 - Municipal shelter
 - A Massachusetts facility that holds an active kennel license
 - Registered Shelter/Rescue
 - Veterinary Office
 - Private boarding facility

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- Municipal owned shelters do not need a kennel license, but MDAR recommends that they get inspections done on a regular basis.

THE COMMONWEALTH OF MASSACHUSETTS ANIMAL CONTROL OFFICER ANNUAL INSURE REPORT			
Section A - General Information Name of Animal: _____		City or Town: _____	
Address: _____ _____		Zip: _____	
Section B - License Information License No. _____			
Issued by _____			
Issued on _____			
Expires on _____			
License Fee: _____			
License Type: _____			
License Category: _____			
License Status: _____			
License Holder: _____			
License Holder Address: _____			
License Holder City/Town: _____			
License Holder Zip: _____			
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License Holder Title: _____			

<https://www.mass.gov/info-details/aco-resources>

- Check for a microchip, tattoo, or other ID
- Check the licensing list for dogs with similar descriptions



ACO Duties and Responsibilities

Other searching suggestions

- Post dog's information on social media/website/flyers
- Contact police department
- Contact nearby veterinary hospitals



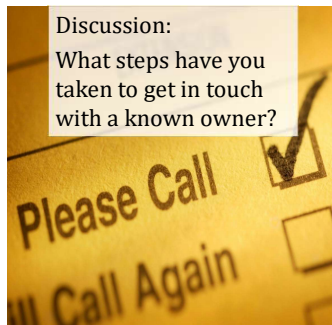
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ACO Duties and Responsibilities

- If owner is known and does not come forward during the hold period, the dog is still owned
- To place the ACO would need to obtain:
 - Owner surrender
 - Court awarded custody

Discussion:

What steps have you taken to get in touch with a known owner?



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Unclaimed Animals No Owner Found in 7 Days

- Municipality must decide what to do
 - Three options
- 1. Adopt the animal out
 - Municipality must recognize potential for liability
 - Must first assess the behavior of the animal
 - Must first assess the health status of the animal



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Unclaimed Animals No Owner Found in 7 Days

Municipality must decide what to do

2. Transfer the animal to a registered shelter/rescue

- Must first assess the behavior of the animal
- Must first assess the health status of the animal

(Animal CAN NOT be transferred to a research facility.)



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Unclaimed Animals No Owner Found in 7 Days

Municipality must decide what to do

3. Euthanasia may happen by a vet or under supervision

MGL Chapter 140
Section 151A and 174A
address acceptable
euthanasia methods
for cats and dogs.

Administration of
barbiturates is the
ONLY acceptable
means in
*non-emergency
circumstances

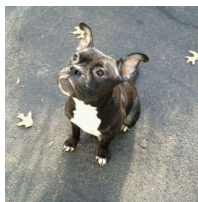
*Gunshot is mentioned in 151A, but **ONLY** acceptable in emergency situations.

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GROUP DISCUSSION

Do you know what your Return to Owner rate is for dogs? How about for cats?

How does your municipality handle dogs unclaimed after the mandatory 7-day hold?



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Statutes, By-laws / Ordinances Enforcement of Violations

- Statutes with penalties can be enforced through the District Court system
- Municipalities that establish by-laws (towns) or ordinances (cities) that mirror the state statutes can issue citations payable directly to the municipality (sec 173 and 173A)
 - Local regulations may include additional provisions
 - Regulations cannot be inconsistent with statutes
 - Can't order a dangerous dog out of town
 - Can't allow 6 dogs without a kennel license

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Statutes, By-laws / Ordinances Enforcement of Violations Acts of 2018 changes to section 173A

removed time frame for recurring violations	\$50 for first offense	\$100 for second offense
\$300 for third offense	\$500 for fourth and subsequent offense and an order may be given for spay/neuter	Municipality may provide alternate schedule of fines Provide alternate schedule of fines , but not lower than stated

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Bylaw update Example

- § 104-23 Incorporation of statutory provisions.
- Except as specifically modified in this article, the provisions of the applicable sections of MGL c. 140 shall be incorporated into and apply to this article, as well as any other section of Massachusetts General Laws referenced herein.

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GROUP DISCUSSION



What by-laws or ordinances does your municipality enforce the most?
How do these by-laws or ordinances expand on state laws and regulations?

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Nuisance/Dangerous Dogs – Sec. 157

- Anyone may file a written complaint regarding a nuisance or dangerous dog
 - This includes the ACO
- The hearing authority (Selectmen/Mayor/etc.) must hold a hearing
 - Dog may be deemed dangerous or a nuisance



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Nuisance/Dangerous Dogs – Sec. 157

If a recent bite has happened, make sure you wait to start dangerous dog proceedings until after the rabies quarantine has been legally issued.

WHY?



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Nuisance/Dangerous Dogs – Sec. 157



- Hearing authority will issue an order to resolve the problems caused by a nuisance dog
- Hearing authority has a menu of options to choose from while issuing an order to resolve the problems caused by a dangerous dog
- Orders are good throughout the state
- Orders cannot ban a dog from the municipality
- Change of ownership

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\$500-\$1000 fines for violations of the hearing authority's order

The dog is subject to seizure

- Warrant will have to be issued by the court unless the owner surrenders the dog
- You cannot enter private property to seize a dog without a warrant and police assistance

Violations of Nuisance or Dangerous Dog Orders

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Section 174E – Tethering Law



Will review all subsections, but of most importance:

- **Section 174E(f)(1):**
 "No person owning or keeping a dog shall subject the dog to cruel conditions or inhumane chaining or tethering... for the purpose of this subsection, "cruel conditions and inhumane chaining or tethering" shall include, but not be limited to, the following conditions:
 (1) Filthy and dirty confinement conditions including, but not limited to, exposure to excessive animal waste, garbage, dirty water, noxious odors, dangerous objects that could injure or kill a dog upon contact or other circumstances that could cause harm to a dog's physical or emotional health"

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Importance of the Law

Allows punishment for offenses in situations where the abuse or neglect does not rise to a felony level

Allows officers to build a stronger case in court by showing a history of lower-level offenses

Allows officers to address common issues in animal control

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Section 174E(a)

Dog be tethered or chained for no more than 5 hours in a 24-hour period

Cannot be tethered or chained between 10:00 PM and 6:00 AM for more than 15 minutes unattended

Tether/chains must be designed for dogs

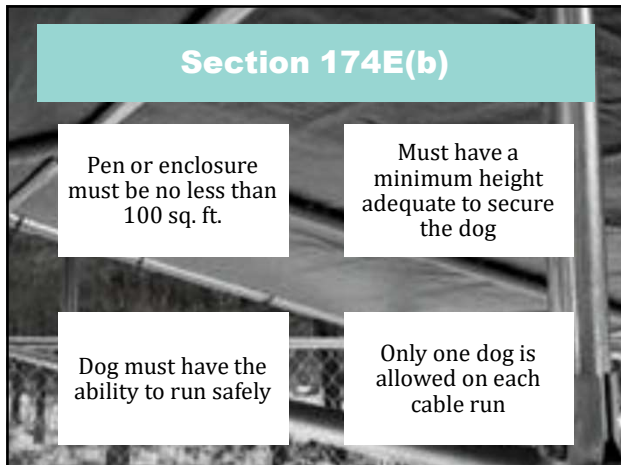
Not more than 1/8 of dog's body weight

Dog must be older than 6 months of age

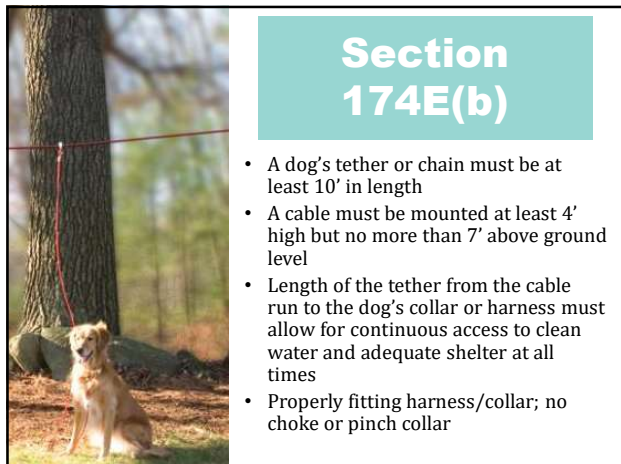
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Section 174E(c)



Adequate shelter allows a dog to be dry/protected from elements

- Enclosed 3 sides, roof and solid floor
- 4th side must block entry of weather elements
- Allow dog entry/exit
- Small enough to retain dog's body heat
- Large enough to stand, lie down, and turn comfortably
- Structurally sound and in good repair
- Clean bedding
- Adequate drainage

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Section 174E(d)

- No dog can be tethered outside when a weather advisory, warning, or watch has been issued
- No dog can be tethered outside for more than 15 minutes under conditions including:
 - Extreme heat/cold
 - Wind, rain, snow, or hail which pose an adverse risk to the health or safety of the dog based on the dog's breed, age, and/or physical condition



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Section 174E(e)

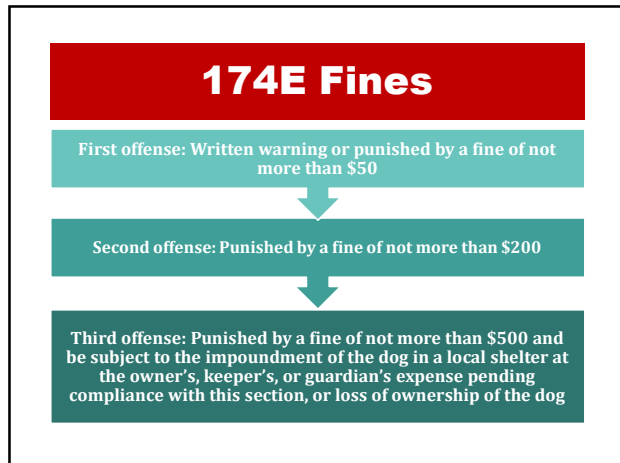
- Exemptions for outdoor confinement
 - Camping or recreational area
 - Shepherding or herding livestock

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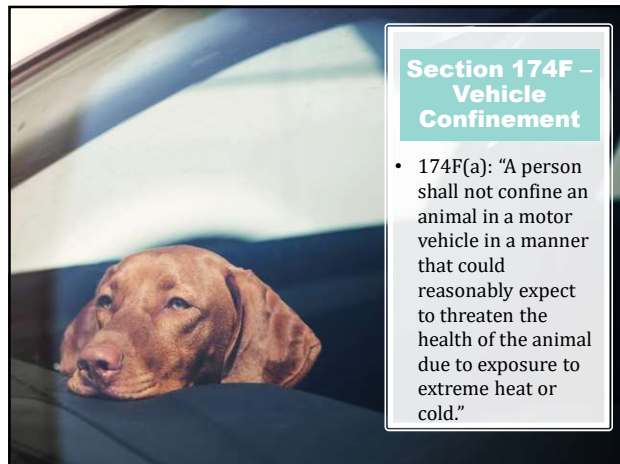
Section 174E(f)

- "Cruel conditions and inhumane chaining or tethering" including, but not limited to:
 - Filthy/dirty confinement conditions
 - Taunting/threatening a confined dog
 - Subjecting a dog to dangerous conditions

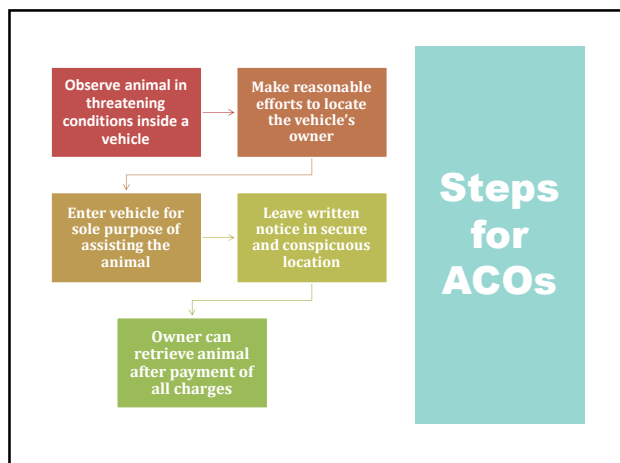
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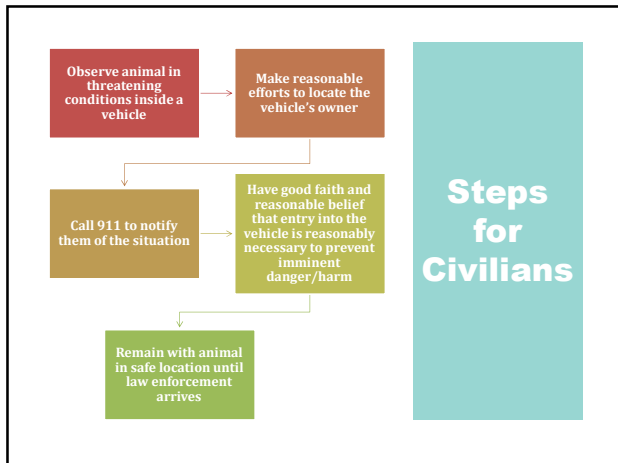
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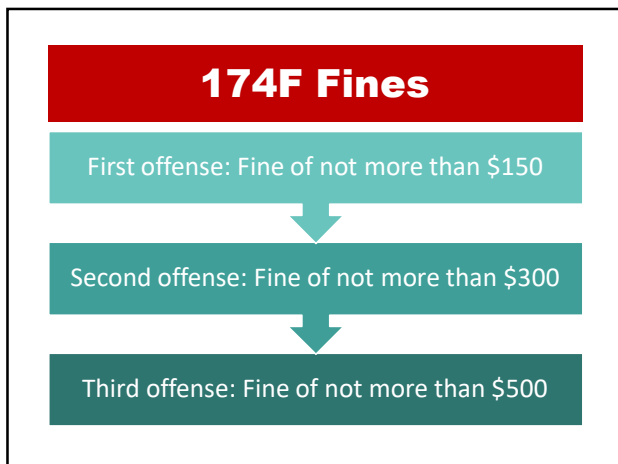
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GROUP DISCUSSION

Has your municipality updated bylaws to include Chapter 140 Section 174F?

Have you started any education campaigns you would like to share?

ANIMAL RESCUE LEAGUE of BOSTON
A champion for animals

Too HOT for Spot!
5 TIPS TO KEEP YOUR PET SAFE

ARK's annual safety campaign, "Too Hot for Spot", reminds pet owners about the danger your pet faces when temperatures begin to rise. Even when the mercury dips below the danger, the threat for heat stroke still exists. Pets don't sweat the way humans do, making them unable to cool their bodies efficiently in the heat.

1. **Prevention is always your best bet.** Whenever possible, leave your pet at home in a cool humidity and temperature-regulated room.
2. **If your pet must be outdoors,** find a shady spot with ample air flow to prevent overheating.
3. **Hydration is key,** so keep a bowl of cold water accessible at all times.
4. **Limit exercise to the morning or evening hours** when temperatures are at their coolest.
5. **Never leave your pet alone in a parked car**—even with the air conditioner on or the windows cracked.

Spot an animal in imminent danger or distress?
Contact your local Animal Control Office or Police Department.

For more pet safety tips, visit
www.arlboston.org

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70

Animal Cruelty Statutes

Chap. 96. AN ACT TO PREVENT CRUELTY TO ANIMALS.
Be it enacted by, as follows:

Penalty for torturing animal. SECTION 1. Every person who shall cruelly beat, maim or torture any animal, shall be punished by imprisonment in the county jail, or house of correction, not more than one year, or by a fine, not exceeding one hundred dollars.

Repeal. SECTION 2. The twenty-second section of the one hundred and thirtieth chapter of the Revised Statutes, is hereby repealed.
Approved March 14, 1859.

71

What Constitutes Cruelty?



Four basic needs of animals must be met:



Food: Not spoiled and in an amount sufficient to sustain the animal



Drink: Access to clean water of a sufficient amount to sustain the animal



Shelter: Clean, of sufficient size for the animal, and provides adequate protection from the weather



Veterinary Care: Nails not growing into pads, fur not matted and hindering movement

72

Preventing/Stopping Animal Cruelty

- Some investigations you conduct are to prevent or stop an animal from being treated inhumanely
- This is a matter to bring to the attention of the police in your municipality, the Animal Rescue League of Boston (ARL), or the Massachusetts Society for the Prevention of Cruelty to Animals (MSPCA)



73

Conducting Investigations

Be alert and observant at all times



Look at the animal in question



Ask questions of everyone involved in the incident, Interview each involved person separately. Write down their names, addresses, telephone numbers, dates of birth and their relevance to the case.



Document Everything. Take photos and video, which can greatly help an investigation and/or court case

74

Conducting Investigations

Label

Label all items with the date, time, location, and case number

Educate

Before you leave, try to educate the individual

- Many people are unaware that they have done something wrong
- Provide them with possible solutions to help prevent another incident

Follow up

Follow up on every investigation you conduct and do what you said you would do

75

Cruelty Investigations

- Crime Scene
 - Evidentiary chain of custody
 - Tampering or contaminating evidence
 - Illegal search and seizure
- Search Warrant
 - Report writing is critical to constructing a coherent affidavit
 - Issued to and served by sheriffs, deputy sheriffs, constables or police officers



76

Exigent Circumstances

- There are very few exemptions to the search/seizure warrant requirement
 - Illness or injury that requires immediate veterinary attention to preserve the life of the animal.
- A dead dog chained to a tree is not exempt
 - There is ample opportunity to obtain a warrant



77

Exigent Circumstances

If you didn't immediately rush to the veterinarian, it wasn't exigent circumstances



78

Request Assistance from Law Enforcement

- Chapter 272, Section 84
 - Sheriffs, deputy sheriffs, constables and police officers **SHALL** prosecute all violations of sections 77 to 81, inclusive, which come to their notice.

79

DISCUSSION

Do you recognize cruelty in any of these images? What, in particular, shows you that the owner has been negligent or cruel?

80



81



82



83



84



85




86

A service animal means any *dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability.

Emotional support animals, comfort animals, and therapy dogs are NOT service animals under Title II and Title III of the ADA.

*In MA, entities must make reasonable modification in policies to allow individuals with disabilities to use miniature horses if they have been individually trained to do work or perform tasks for individuals with disabilities.



Service Animal Definition

87

Types of Service Animals

- Guide Dog/Seeing Eye Dog
- SSigDOG
- Seizure Response Dog
- Hearing or Signal Dog
- Psychiatric Service Dog



88

Handler's Responsibilities

- Care and supervision of the animal
- Use of harness, leash, or other tether
 - In rare instances, voice control
- Housebreaking
- Vaccination in accordance with state and local laws



89

Handler's Rights

Service animals must be allowed to accompany the handler to any place in the building or facility where members of the public, program participants, customers, or clients are allowed.

- Only two questions may be asked:

What work or task has the animal been trained to perform?

Is the animal required because of a disability?



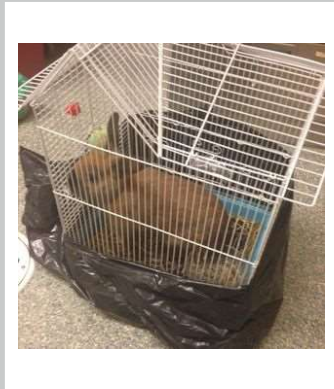
90



91

Abandoned Animals/ Paws II

- (PAWS II) Acts of 2018 added that property owners, lessors, or designees must check vacated properties for the presence of abandoned animals.



92

Abandoned Animals/ Paws II

- MGL Chapter 186 Sec. 30 -Rentals need to be checked within 3 days.
- MGL Chapter 239 Sec. 4 -Animals found at the time of eviction
- MGL Chapter 244 Sec. 41 –Foreclosures need to be checked within 3 days

If any animals are found that person shall immediately notify animal control, police officer or other authorized agent of the presence and condition of the animal(s).

93





Abandoned Animals/ Paws II

- In all 3 cases, the person in control of the property or designee shall not be considered the owner, possessor or person having the charge or custody of the animal under MGL chapter 272 sec. 77.
- The animal shall be considered abandoned if it is found in a vacated property.

94

GROUP DISCUSSION

- How do you handle abandoned animals?
What steps do you take to try to reach the owner?

95

Mandatory Abuse Reporting / Paws II

- MGL Chapter 19A Sec. 42, Chapter 19C sec. 14, and Chapter 119 sec. 85 were updated that suspected animal cruelty **MAY** be reported by:
 - Department of Children and Families employees or contractors,
 - Department of Elder Affairs investigators,
 - Disabled Persons Protection Commission investigators

96

Mandatory Abuse Reporting / Paws II

- MGL Chapter 19A sec. 15, Chapter 19C sec. 1, and MGL Chapter 119 Sec. 85 were amended:
 - Animal Control officers are now **MANDATORY** reporters for suspect cases of child, elder and disabled person's abuse.



97

Paws II/ Chapter 272 Updates

- Sec 77c : was added to define animal sexual abuse.
- Sec. 79: was updated to expand who/what entities can be charged with certain types of animal cruelty.
- Sec. 80E1/2: was added to prohibit death by drowning and establish penalties.
- Sec. 80H Increased penalties to vehicle operator if they do not report hitting a cat or dog
- Sec. 91 was updated to allow animal fighting victims to be assessed to determine placement options.

98



CHAPTER 129 AND MDAR

99



**Division of
Animal Health
MDAR**

The health and safety of the Commonwealth's domestic animals is the Division of Animal Health's primary responsibility.

100

MDAR Functions

Sections of Chapter 129 are enforced at the state level	Section 2 Orders - Similar to the ACO's powers under Chapter 140, section 174E
<ul style="list-style-type: none"> • Pet shop licensing and inspections • Interstate animal shipments • Regulation of private shelters and rescues 	<ul style="list-style-type: none"> • MDAR can issue orders to owners of domestic animals at risk of contracting diseases based on poor living conditions or inadequate care before they become criminal animal cruelty cases

101

Cooperation Between ACOs and Animal Inspector/MDAR

- Seeking owners of loose or stray livestock or poultry
 - Inspector has a list of properties where such species are kept
- Reportable disease list
 - Certain diseases are reportable to MDAR
 - Concern for diseases in both companion animals and livestock or poultry
- All dog bites and possible rabies exposures must be reported to the Animal Inspector

102

**Reportable
Diseases
for
Dogs/Cats**

Brucellosis

Canine Distemper

Canine Influenza

Canine Parvovirus

Feline Calicivirus

Feline Panleukopenia

Leptospirosis



103

Animal Inspector



- The Animal Inspector serves as an agent of the Department of Agricultural Resources – MGL Chapter 129 statutes
 - Issue quarantines/mainly rabies
 - Conduct annual “barn” inspections

104

Animal Inspector

- Issue quarantines /mainly rabies
 - Dogs and cats biting people or other animals
 - Domestic animals exposed to wildlife or suspected rabid animals

Discussion: If a quarantine is not issued properly and another incident happens?
Who may be held liable?

105

Animal Inspector

- Conduct annual “barn” inspections
 - Monitor health status of livestock and poultry
 - Confirm adequate shelter, food and water
 - Ensure property is managed properly
 - Gather animal information for emergency response plans



106

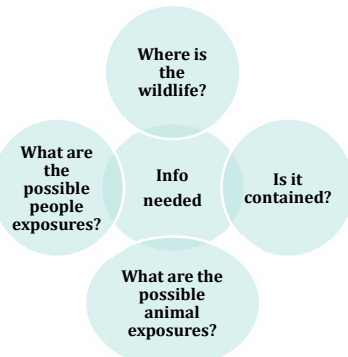
Cooperation Between ACOs and Animal Inspector/MDAR

- For rabies exposure response ACOs need to work closely with AIs
 - AIs issue quarantines, ensure samples are tested, report to MDAR
 - ACOs handle bite reports, investigate dangerous dog situations, and assist in animal capture (if needed) and help ensure samples are tested.



107

Exposure Questions



DO NOT
give medical advice for exposed people beyond basic first aid.
Refer questions to Mass Dept. of Public Health and Epidemiology


108

**Rabies
Regulations
& Protocol**

330 CMR 10.00 revised in 2016


**Simplified vaccination
protocols and quarantine
exposure categories**

- Management of dogs & cats exposed to wildlife
- Management of dogs & cats exposed to other animals
- Management of dogs & cats which bite humans



109

Massachusetts Department of
Agricultural Resources



Division of Animal Health

<https://www.youtube.com/watch?v=iV1K5Fh9P0Q&feature=youtu.be>

110

Vaccination Protocols

**Any animal with an exposure gets an immediate booster.
*unless they have a medical exemption.**

Any exposed animal with a history of prior vaccination gets 45-day quarantine.

**Exposed dogs and cats that have never received a vaccine need 4-month quarantines.
(*and those that won't receive a booster because of a medical exemption)**

111

Group Discussion

Does your municipality offer vaccination clinics to help your residents comply with this law?
Do you know what the compliance rate is for your municipality?



112

Shelter/Rescue Regulations

330 CMR 30.00 Animal Rescue and Shelter Organization Regulations went into effect in March of 2020.



113

Shelter/Rescue Program

- Individuals and organizations involved in the transfer of animals in Massachusetts and that are not licensed as pet shops under MGL Chapter 129 Section 39A must register as shelter/ rescue organizations with MDAR.
- A charitable/nonprofit organization or individual placing animals for purpose of providing for and promoting the welfare, protection and humane treatment of animals.

*Note an individual breeding and selling offspring from their owned animals are not considered a pet shop or shelter/rescue.



114

Shelter/Rescue Regulations



- Provide standards relating to the importation, handling, and care of animals in connection with their placement.
- Regulations are enforced by MDAR
- ACOs conduct kennel inspections and report issues to MDAR

115

Shelter/Rescue Regulations



- Kennel inspections and kennel licenses are required for their annual shelter/rescue license
- Municipal facilities are exempt from shelter/rescue regulations, 30.05 can be viewed as minimum standards for animal kenneling.

116

Pet Shop Definition

- Pet Shop. A place or premises where Animals are kept for the purpose of either wholesale or retail sale, import, export, barter, exchange, or gift.
- For the purposes of 330 CMR 12.00, entities licensed by the Department as a **Rescue Organization under 330 CMR 30.00: Animal Rescue and Shelter Organization Regulations shall not be deemed a Pet Shop**



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330 CMR 12.00 Licensing and Operation of Pet Shops

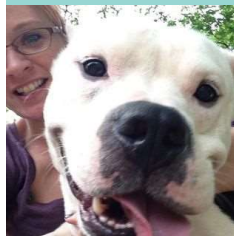
- ACOs are NOT responsible for inspecting pet shops in Massachusetts (**no kennel license needed**)
- All complaints or issues should be reported to MDAR's Animal Health Division
- MDAR may ask Animal Inspectors or ACOs to assist in some cases.



118

- MDAR wants to support ACOs
 - Training and continuing education
 - Mass Animal Fund Spay/Neuter Voucher Program
 - Building Relationships with other resources
 - Environmental Protection
 - Fisheries and Wildlife
 - Environmental Police
- Offering the same level of support as has been provided to Animal Inspectors

Cooperation between ACOs and MDAR



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WRAP UP

Questions?

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